



NEPC Report on the Implementation of the
Assessment of Site Contamination NEPM

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‘The NEPM has been recognised by environmental auditors, consultants, developers and others in the site assessment industry as a comprehensive source of guidance.’



PART 1 — GENERAL INFORMATION

NEPM details

Title: National Environment Protection (Assessment of Site Contamination) Measure

Made by Council: 10 December 1999

Commencement Date: 22 December 1999 (advertised in Commonwealth of Australia Gazette no GN 51, 22 December 1999, p 4246)

NEPM goal (or purpose)

The goal of the National Environment Protection (Assessment of Site Contamination) Measure is set out in clause 5(1) of the Measure as follows:

5 (1) National environment protection goal

The purpose of the Measure is to establish a nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, environmental auditors, landowners, developers and industry

Desired environmental outcomes

The desired environmental outcome of the National Environment Protection (Assessment of Site Contamination) Measure is set out in clause 5(2) of the Measure as follows:

5 (2) Desired environmental outcome

The desired environmental outcome for this Measure is to provide adequate protection of human health and the environment, where site contamination has occurred, through the development of an efficient and effective national approach to the assessment of site contamination.

Evaluation criteria

The assessment of the effectiveness of the National Environment Protection (Assessment of Site Contamination) Measure is based on the following criteria.

General criteria (Specified in the NEPC Implementation Reporting Protocol)

- progress in implementing the NEPM
- compliance by parties bound by the NEPM with NEPM protocols and/or other NEPM reporting requirements
- progress toward achievement of the NEPM goal, the desired environmental outcomes and any NEPM standards
- issues arising that reflect on the efficiency and simplicity of NEPM administration.

Specific criteria

No specific criteria are set out in the NEPM.

PART 2 — IMPLEMENTATION OF THE NEPM AND ANY SIGNIFICANT ISSUES

This part provides a summary of jurisdictional reports on implementation, discussion of any issues of concern raised by jurisdictions, and Council's overall assessment of the implementation of the NEPM.

Legislative, regulatory and administrative framework

Table (13): Summary of Implementation Frameworks

Jurisdiction	Summary of Implementation Frameworks
Commonwealth	<ul style="list-style-type: none"> • The Commonwealth is implementing the NEPM through administrative arrangements.
New South Wales	<ul style="list-style-type: none"> • The NEPM operates under guidelines issued under s105 of the <i>Contaminated Land Management Act 1997</i>.
Victoria	<ul style="list-style-type: none"> • The Environmental Audit System (Contaminated Land) has provided the administrative framework for the assessment of site contamination for the past 10 years.

Jurisdiction	Summary of Implementation Frameworks
Victoria (continued)	<ul style="list-style-type: none"> • In June 2002, the State environment protection policy (Prevention and Management of Contamination of Land) was declared by the Governor in Council. • The State environment protection policy (Groundwaters of Victoria), the Industrial waste management policy (Prescribed Industrial Waste) and the <i>Planning and Environment Act 1987</i> are also relevant to assessment and management of site contamination.
Queensland	<ul style="list-style-type: none"> • The NEPM is applied through the <i>Guidelines for the Assessment and Management of Contaminated Land in Queensland, May 1998</i>. All site investigations and reporting must comply with the NEPM requirements when statutory decisions are sought from the EPA. • The EPA also uses the contaminated land triggers in the <i>Integrated Planning Act 1997</i> to achieve the desired environmental outcomes of the NEPM.
Western Australia	<ul style="list-style-type: none"> • Western Australia has introduced the Contaminated Sites Bill 2002, which contains provisions for the making of guidelines to be used for implementing the elements of the NEPM, into the Parliament in 2002. It is anticipated that the Bill will be passed in late 2003.
South Australia	<ul style="list-style-type: none"> • The EPA is currently drafting amendments to the <i>Environment Protection Act 1993</i> and proposes to prepare a specific Environment Protection Policy under the Act to address the prevention and management of site contamination. • The NEPM is also being introduced, where appropriate, into some licence conditions.
Tasmania	<ul style="list-style-type: none"> • Under s.12A of the <i>State Policies and Projects Act 1993</i>, the NEPM became State policy when it was made by NEPC.
Australian Capital Territory	<ul style="list-style-type: none"> • The provisions of the NEPM were achieved through amendments to the <i>Environment Protection Act 1997</i>.
Northern Territory	<ul style="list-style-type: none"> • The assessment and management of contaminated land in the Northern Territory is undertaken through the auditing and pollution control provisions of the <i>Waste Management and Pollution Control Act 1998</i> and may also be directed pursuant to the provisions of the <i>Planning Act 1999</i>. • The statutory process for developing the Environment Protection (Site Contamination) Objective was commenced in June 2003.

Council assessment of Implementation Frameworks

Jurisdictions are continuing to incorporate the NEPM into relevant regulatory and administrative frameworks.

Implementation activities

Table (14): Summary of Jurisdictional Implementation Activities

Jurisdiction	Summary of Implementation Activities
Commonwealth	<ul style="list-style-type: none"> Relevant Commonwealth agencies have implemented the NEPM by incorporating the requirements in their Environmental Management Systems or Hazardous Management Manuals.
New South Wales	<ul style="list-style-type: none"> During the year ending 30 June 2003, the NSW EPA finalised 39 significant risk of harm assessments under section 9 of the <i>Contaminated Land Management Act 1997</i>, and accredited site auditors have issued approximately 330 site audit statements.
Victoria	<ul style="list-style-type: none"> EPA Victoria has published guidelines for environmental auditors that require them to refer to the NEPM as a key reference document when making a judgement on site assessment. Refinement of <i>Environmental Auditors (Contaminated Land) Guidelines for the Issue of Certificates and Statement</i> is ongoing. Work continues on providing further guidance to assist planning authorities to consider site contamination properly in planning decisions.
Queensland	<ul style="list-style-type: none"> The EPA held a workshop in Brisbane attended by 85 contaminated land consultants and stakeholders in July 2002. The workshop was used to provide information on a number of developments in contaminated land issues. The EPA continued the development of the Third Party Reviewer System in accordance with the Schedule B10 of the NEPM to provide an independent audit of the assessment work of contaminated land practitioners. The purpose of the process is to maintain a high level of work quality in contaminated site assessment and management. Approximately 12 site investigation reports were returned to practitioners for inadequate compliance with the NEPM. Approximately 550 development applications to local governments relating to potentially contaminated land were referred to the EPA to determine any necessary development conditions under the <i>Integrated Planning Act 1997</i>.
Western Australia	<ul style="list-style-type: none"> The Department of Environment released a series of 11 administrative and technical guidelines entitled the <i>Contaminated Sites Management Series</i>. Due to the importance of groundwater resources in WA, the guideline, Assessment levels for soil, sediment and water is under review with the objective of replacing the NEPM Ecological Investigation Levels with guidelines from Environment Canada.
South Australia	<ul style="list-style-type: none"> The EPA is continuing to promote the NEPM to government departments, industry, the community and environmental auditors and consultants. Planning SA has issued a planning advisory notice on site contamination to assist in NEPM implementation.
Tasmania	<ul style="list-style-type: none"> The NEPM has been adopted by the Department of Primary Industries, Water and Environment as a set of guidelines that should be complied with when conducting site contamination assessments. Implementation of this NEPM in planning schemes has commenced.

Jurisdiction	Summary of Implementation Activities
Australian Capital Territory	<ul style="list-style-type: none"> Environment ACT uses the guidelines contained in the NEPM as the primary reference tool in its work with environmental consultants and contaminated land auditors.
Northern Territory	<ul style="list-style-type: none"> To increase stakeholder awareness, a Northern Territory site contamination fact sheet, <i>Environment Note – Site Contamination</i>, has been prepared. The fact sheet provides information to determine when assessment of site contamination, conducted in accordance with the NEPM, is required and also encourages voluntary implementation of the NEPM. A number of reports on assessments of site contamination, conducted in accordance with the NEPM, have been reviewed by the Department of Infrastructure, Planning and Environment and auditors appointed pursuant to Victoria's <i>Environment Protection Act 1970</i>.

Council evaluation and assessment of Jurisdictional Implementation Activities

The NEPM has led to improved performance and consistency in the assessment and management of site contamination within jurisdictions and nationally. The NEPM has been recognised by environmental auditors, consultants, developers and others in the site assessment industry as a comprehensive source of guidance.

Noticeably, the NEPM is being implemented with a bias toward the assessment of health risk, rather than ecological risk, primarily because of the availability of health-related data.

PART 3 — ASSESSMENT OF NEPM EFFECTIVENESS

Substantial progress has been made towards meeting the goal of the NEPM in establishing a nationally consistent approach to ensure sound environmental management practices in the assessment of site contamination. Some jurisdictions are still strengthening their legislative frameworks, including the introduction of accreditation and/or auditing systems.

The NEPM has led to increased consistency between jurisdictions, which has been advantageous for interactions between equivalent agencies in States, Territories and the Commonwealth. This has benefits for all involved parties, as issues relating to the assessment of site contamination are consistently managed.

Some jurisdictions have reported implementation outcomes such as improved consistency in site contamination

assessments, a reduction in requests from consultants for guidance on site contamination assessments, and support from auditors, consultants and industry.

PART 4 — REPORTING REQUIRED BY THE NEPM

The reporting requirements in the NEPM state that each participating jurisdiction should:

submit a report on the assessment of the implementation and effectiveness of the Measure, including compliance with the Measure, under Section 23 of the Commonwealth Act and similar provisions in the corresponding Acts of each participating State or Territory.

Such information is contained in Parts 2 and 3 of this report.

PART 5 — REPORTS ON IMPLEMENTATION BY JURISDICTIONS

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